

NASCIMBENE
Appl. No. 10/049,810

REMARKS/ARGUMENTS

Reexamination of the captioned application is respectfully requested.

A. SUMMARY OF THIS AMENDMENT

By the current amendment, Applicants basically:

1. Amend claim 7, both editorially and to include the limitation that the host radio node is normally allocated to another access terminal. Support for the amendatory limitation resides, e.g., in the last full paragraph on page 2 of the specification.
2. Respectfully traverse all prior art rejections.

B. PATENTABILITY OF THE CLAIMS

Claims 7-12 and 14 stand rejected under 35 USC §102(b) as being anticipated by U.S. Patent 5,724,346 to Kobayashi et al. Claim 13 stands rejected under 35 USC §103(a) as being unpatentable over U.S. Patent 5,724,346 to Kobayashi et al in view of U.S. Patent 6,272,335 to Kakayama et al. Applicant respectfully traverses the prior art rejections.

Independent claim 7 highlights a feature readily apparent in the original disclosure: that the access terminal has a directive antenna. As disclosed in separate embodiments, the access terminal has a directive antenna since the access terminal has either (1) two antennas which are directed to the two different hubs, or (2) a single antenna with electronically routed beams (e.g., steered beams).

As previously indicated, these clearly disclosed aspects of the access terminal are consistent with the fact, certainly known to the person skilled in the art, that access terminals having directive antenna(s) in point to multipoint systems are fixed access

NASCIMBENE
Appl. No. 10/049,810

terminals, the fixed nature giving rise to the technical reason for needing a directive antenna.

In finally rejecting claim 7, the Office Action alleges that Kobayashi et al disclose "...each subscriber access terminal having an antenna directed to its respective original radio node and being adapted to switch automatically". On the contrary, Applicant cannot find any information on directive and/or steerable antennas anywhere in Kobayashi. The Kobayashi paragraphs cited in the Office Action (column 7 lines 7-44) merely refer to a known handover technique used by mobile stations to switch from one access point to another access point when transmission quality is impaired. The cited passage does not refer in any manner to a fixed system comprising plural radio nodes and access terminals having directive antennas.

Applicant stresses once again that Kobayashi relates to a mobile or semi-mobile technology field which is completely different than a point to multipoint communication system. The mobile terminal technology does not use directive antennas, but rather omnidirectional antennas. Consequently, Kobayashi with its mobile terminals and omnidirectional antennas does not appreciate, contemplate, nor suggest a solution to the problem solved by Applicant.

The office action allegation regarding claim 14 is also manifestly incorrect. The Office Action incorrectly contends that Kobayashi et al disclose "at least one of the plural access terminals is provided with a single antenna with electronically routed beams to the two different hubs (col. 7, lines 7-44; Fig. 1, the user terminal is provided with an antenna able to provide beaming on different access points)". Kobayashi shows no such thing. An antenna employed by a mobile station - such as the one disclosed in Kobayashi - operates in a completely different manner.

NASCIMBENE
Appl. No. 10/049,810

In view of the foregoing and other considerations, the Examiner has ample bases for withdrawing all rejections and for allowance of all pending claims. Accordingly, a formal indication of allowance is earnestly solicited.

C. MISCELLANEOUS


The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

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